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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,383	08/19/2003	Daniel J. White	TN-2491A	3596

7590 08/15/2005

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EXAMINER

SHAW, CLIFFORD C.

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,383

Applicant(s)

WHITE ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The drawings are objected to. Applicant's specification mentions figures 4a and 4b, but no such figures are in the one sheet of drawings for this application (applicant is advised that his parent case, serial number 10/183,296, includes a drawing sheet with these figures). Applicant is to submit the missing sheet of drawings.

2.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.) Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandres (5,298,712) taken with the prior art acknowledged by applicant further taken with Hooke (4,322,597). Figures 1-3 and the discussion in columns 1-3 of Alexandres (5,298,712) disclose a method for manufacturing a battery pack wherein a strap 40 is resistance welded between two cells (one of which cells is shown at 44). The claims differ from Alexandres (5,298,712) in calling for a cell with "a weld area" (note that in the context of applicant's invention, the term "weld area" refers to an area of the cell previously welded during the manufacture of the individual cell) and in calling for disposing the cells in a housing. These differences do not patentably distinguish over the prior art. The patent to Alexandres (5,298,712) does not discuss the details of the cell 44. At the time applicant's invention was

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made, it would have been obvious to have practiced the method of Alexandres (5,298,712) on any conventional battery cell. Applicant acknowledges that cells with pre-existing weld areas are known (see elements 11, 11W in figures 1a, b, c in applicant's specification). It would have been obvious to have practiced the method of Alexandres (5,298,712) on a cell with a "weld area", the well known nature of which is acknowledged by applicant, the motivation being to secure the advantages of the Alexandres (5,298,712) method for such a cell. Applicant shows that in the prior art cells with a weld area, this weld area is centrally located on the face of the battery (see the location of 11W in figure 1a). In applying the approach of Alexandres (5,298,712) to these prior art cells, at least two of the welding electrodes will necessarily be outside the weld area because figure 3 of Alexandres (5,298,712) shows that all electrodes are away from the center of the cell, thereby satisfying this feature of the claim. In regard to the limitations calling for disposing the cells in a housing, it would have been obvious to have placed the cells of Alexandres (5,298,712) in a housing, the motivation being the teachings of Hooke (4,322,597) that such is advantageous (see element 20 in figure 8 of Hooke (4,322,597)). In regard to the allusions to a "side" of the cell in claim 12 and to a "periphery" of a cell in claim 13, this language is broad enough to read on the positioning of the electrodes in Alexandres (5,298,712).

4.) Applicant's arguments filed 6/8/2005 have been fully considered but they are not persuasive. The claims are considered unpatentable for the reasons set forth above.

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5.) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

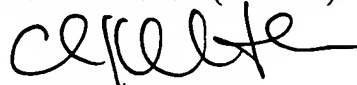
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

August 11, 2005